

REMARKS

This application pertains to a novel method and appliance for performing membrane electrophoresis.

Claims 1-26 are pending.

Applicants note with appreciation that claims 1-18 are allowed.

Claims 19-22, 24, and 25, however, continue to be rejected under 35 U.S.C. 102(b) as being anticipated by Sanchez et al (US 4,758,320).

Applicants have previously pointed out that their appliance comprises one or more pairs of diluate/concentrate spaces, wherein in each pair the diluate and concentrate spaces are separated from each other by ultrafiltration or microfiltration membranes and each pair of diluate/concentrate spaces, where there are more than one of such pairs, are separated from the adjacent pair by a **restriction** membrane, and the electrode spaces are also separated from the other spaces by **restriction** membranes (page 9, line 11). The restriction membranes typically have a much lower cutoff point than the separation membranes do (page 10, lines 1-2).

In response, the Examiner correctly points out that Applicants' claims did not require the restriction membranes to be materially different from the ultrafiltration or microfiltration membranes.

At page 10, lines 1-2, it can be seen that the restriction membrane used in the Example had a nominal cutoff point of 10 kDa, whereas the separation membrane had a nominal cutoff point of 300 kDa. This would certainly be seen by those skilled in the art as a teaching that the restriction membranes have a substantially lower cutoff point than the separation membranes.

Applicants have therefore amended their appliance claims to recite that the restriction membranes have substantially lower cutoff points than their separation membranes. This limitation is believed to be fully supported by the language at the top of page 10, and no new matter is added. The Examiner's attention is also respectfully drawn to MPEP 2173.05(b)(D), wherein the relative term "substantially" was found to be definite.

The foregoing limitation is believed to clearly distinguish Applicants' claims from Sanchez, as Sanchez neither teaches nor suggests the concept of restriction membranes, having much lower cutoff points than the separation membranes, as recited in Applicants' claims.

Applicants' claims cannot therefore be seen as anticipated by or obvious over Sanchez, and the rejection of claims 19-22, 24, and 25 under 35 U.S.C. 102(b) as being anticipated by Sanchez et al (US 4,758,320) should now be withdrawn.

Claim 23 stands rejected under 35 U.S.C. 103(a) as obvious over Sanchez in view of Gritzner. The Examiner relies on Gritzner for heat exchangers. The differences between Applicants' amended claims and the technology disclosed by Sanchez has been discussed above. The heat exchangers of the Gritzner reference cannot in any way overcome those differences. The rejection of claim 23 under 35 U.S.C. 103(a) as obvious over Sanchez in view of Gritzner should therefore now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1 - 26 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the instant claims in condition for allowance, it is respectfully requested that this Amendment Under Rule 116 be entered for the purpose of placing the prosecution record in better condition for appeal.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account
No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By /William C. Gerstenzang/
William C. Gerstenzang
Reg. No. 27,552

WCG/tmo

875 Third Avenue, 18th Floor
New York, NY 10022
(212) 808-0700
Fax: (212) 808-0844